

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

|                                 |   |                        |
|---------------------------------|---|------------------------|
| LABORERS' COMBINED FUNDS OF     | ) |                        |
| WESTERN PENNSYLVANIA,           | ) |                        |
|                                 | ) |                        |
| Plaintiff,                      | ) | Civil Action No. 16-99 |
|                                 | ) |                        |
| v.                              | ) | Judge Cathy Bissoon    |
|                                 | ) |                        |
| JOSEPH L. RICH, <i>et al.</i> , | ) |                        |
|                                 | ) |                        |
| Defendants.                     | ) |                        |

**ORDER**

Plaintiff's Motion (**Doc. 7**) for Default Judgment is **DENIED WITHOUT PREJUDICE**. In its prior Order, the Court indicated that it lacked adequate information to review Plaintiff's calculations regarding interest charges and late charges/liquidated damages. *See* text Order dated Mar. 16, 2016. Plaintiff's Supplement (Doc. 10) does not ameliorate this deficiency.

The Complaint states that principal contributions are "owed to the Funds through June 2013 total[ing] \$51,798.76," and the plan documents indicate that interest accrued at the rate of 1.25% per month. *See* Doc. 8-1 at pg. 29 of 40 (CBA, Art. XVIII). The Court has no way of determining how interest, at a rate of 1.25% monthly, has accrued in an amount of \$53,119.44 (a sum in excess of the principal owed). Nor can the Court determine how late charges, at a rate of 10% (term unspecified), now equate to \$15,011.05.

As the Court previously indicated, it cannot properly "rubber stamp" requests for default-judgment damages. Plaintiff must have undertaken some methodology for calculating the amounts of interest and late fees owed. In renewing its motion for default judgment,

Plaintiff must present, by way of affidavit or otherwise, enough information/explanation so that the Court meaningfully may review the interest and late fee calculations.

IT IS SO ORDERED.

April 5, 2016

s/Cathy Bissoon  
Cathy Bissoon  
United States District Judge

cc (via ECF email notification):

All Counsel of Record